

APR-27-2006 10:02

HARRITY SNYDER, LLP

571 432 0808 P.001

PATENT EXAMINATION
DIVISION

2006 APR 27 PM 4:45

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Fax 571.432.0808

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TO:

Name: Refund Department

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Subject: Deposit Account 50-1070

FROM:

Name: Renee De Frees

Phone No.: (571) 432-0800

Fax # Verified by:

Pages (incl. this): 5

Date: 4.27.06

Message:

On our Monthly Statement of Deposit Account (Account No. 50-1070) dated June 30, 2005, we have been erroneously charged in the amount of \$330.00 (fee code: 1252) for U.S. Serial No. 10/602,061 for an extension for response within the second month. This charge is incorrect for the reasons stated below:

According to attachment 1, the application in question had a request for extension due by the mailing date of the examiner's response. According to attachment 2, that mailing date was May 4, 2005. Attachment three is the postcard showing that the PTO mailroom received our response on June 3, 2005. Thus, the response required a one month extension, not a two month extension.

The \$800 check the PTO mailroom certifies it received includes at \$120 fee for the one month extension.

Please credit our Deposit Account No. 50-1070 in the amount of \$330.00. A copy of the Monthly Statement for June 30, 2005 is following herewith.

If you require additional information, please contact me at the numbers above.

Sincerely,

If there is a problem with this transmission, notify the sender at the number above.

This facsimile is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify the sender immediately by telephone (collect), and return the original message by first-class mail to the above address.

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HARRITY SNYDER, LLP

571 432 0808

P.002

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Advisory Action Before the Filing of an Appeal Brief

Application No.

10/802,081

Applicant(s)

AHMED ET AL.

Examiner

Ron E. Pompey

Art Unit

2812

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 12 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.118(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☒ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 6/4/04, 4/6/05

13. ☐ Other: _____.

(1)

MICHAEL LEBENTRITT
SUPERVISORY PATENT EXAMINER

U.S. Patent and Trademark Office
PTOL-303 (Rev. 4-05)

Advisory Action Before the Filing of an Appeal Brief

Part of Paper No. 20050425

PAGE 2/5 * RCVD AT 4/27/2006 10:01:13 AM [Eastern Daylight Time] * SVR:USPTO-EFXXF-1/18 * DNIS:2736500 * CSID:571 432 0808 * DURATION (mm:ss):01:54

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APR-27-2006 10:03

HARRITY SNYDER, LLP

571 432 0808 P.003

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,061	06/24/2003	Shibly S. Ahmed	H1105D	1176
43114	7590	03/04/2005	EXAMINER	
HARRITY & SNYDER, LLP 11240 WAPLES MILL ROAD SUITE 300 FAIRFAX, VA 22030			POMPEY, RON RIVRETT	
			ART UNIT	PAPER NUMBER
			2812	

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DATE MAILED: 05/04/2005

NOA
Advisory
Action: 5/12/05

Please find below and/or attached an Office communication concerning this application or proceeding.

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HARRITY SNYDER, LLP

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P.004

Inventor(s): Shibly S. Ahmed et al.

Appin. No.: 10/602,061

Docket No.: H1105D (0020-0068DIV.1)

Working Atty: GS

Date: June 3, 2005

Title: DOUBLE GATE SEMICONDUCTOR DEVICE HAVING SEPARATE GATES

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- ☒ Notice of Appeal
- ☒ Check for \$ 800.00 is enclosed
- ☒ Petition for One Month Extension of Time
- ☒ Information Disclosure Statement Transmittal Letter
- ☒ Information Disclosure Statement
- ☒ PTO 1449



CUSTOMER NUMBER: 45114

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HARRITY & SNYDER
PAUL A HARRITY
11240 WAPLES MILL RD
SUITE 300
FAIRFAX VA 22030

Account No.	501070
Date	6-30-05
Page	1

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In re Patent Application of

Group Art Unit: 2812

Examiner: R. Pompey

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